Supreme Court, U.S.
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No.

IN THE

SUPREME COURT OF THE UNITED STATES

ASHKAR - Petitioner

VS.

VON ESCHENBACH - Respondent

ON PETITION FOR A WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

PETITION FOR WRIT OF CERTIORARI

GEORGE E. ASHKAR

61-37 BELL BOULEVARD

OAKLAND GARDENS, NY 11364-2239

PHONE No; (718) 423-1112

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QUESTION PRESENTED for REVIEW

CAPITAL CASE
(Sort of)

Introductory Statement

Medical professionals do not have treatment to cure cancer diseases after 200 years of researches.

I am a Physicist I developed a treatment method **Neutral-Infection Absorption** to cure cancer disease with 100% recuperation and it was in use since 1943.

I am offering my treatment method to, in general, medical professionals and , in particularly, to Director of **National Cancer Institute**, they are refusing to accept it, 280 million of **United States Citizens** deprived to have the treatment, as a result they are suffering and dying needlessly.

I am asking respectfully the Supreme Court that a writ of certiorari issue to review the judgment of affirmation, the dismissal of the case, by United States Court of Appeals.

QUESTION

Can I go ahead with the case and force Director of National Cancer Institute to accept my NIA treatment method and use it in public?

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No

IN THE

SUPREME COURT OF THE UNITED STATES

GEORGE E. ASHKAR - Petitioner

vs

VON ESCHENBACH - Respondent

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Second Circuit

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgments below.

OPINIONS BELOW

For case from federal courts. The opinion of the United States Court of Appeals at Appendix A to the petition and is unpublished.

The opinion of the United States District Court appears at Appendix B to the petition and is unpublished.

JURISDICTION

The date on which the United States Court of Appeals decided my case was April 25, 2002.

No petition for rehearing was timely filed in my case.

STATEMENT OF THE CASE

In 1977 I became Citizen of the United States of America, I was so happy I wanted to give back something to show my appreciation. The best thing I could give Americans was my treatment method, **Neutral Infection - Absorption (NIA)**, which I developed in 1943 and it was in use since then and, which Americans badly needed to prevent and cure cancer disease.

Since then problems started, introduce the treatment method to cure cancer became mission impossible. My all efforts to introduce my treatment method to medical professionals failed. The last resort was to explain my treatment method to director of **National Cancer Institute (NCI)**, who is the only person in the United States responsible and have obligation to find a cure for cancer disease. To give an end to all of fruitless researches, that medical professionals

were conducting for the past 200 years, and save millions of lives I asked the Director of NCI to participate in their seminar to explain the method to interested researchers, was denied. I asked to meet him to explain the method, he refused. I asked to publish my article, by sending manuscript about Mechanism Development of Cancer, in the **CANCER** journal of the NCI, was denied. I asked to use my treatment method(NIA), which I sent to him, was denied also.

Here also the last resort was to invite him to court house to explain him the science of medicine so on January 29, 2001 I filed complain in the United States District Court Eastern District of New York to start the civil case against Director of NCI. I needed him for only one hour to explain the method, instead he is spending days and weeks in library digging in the Federal Rules and Regulations to find excuse to refuse the meeting. If the meeting takes place I promise I will not lynch him instead I will explain scientific research of medical problem and introduce my NIA treatment method, which can cure all kind of non viral - bacterial diseases, caused by particles and

chemicals, like rheumatoid arthritis, breast and skin cancer with 100% recuperation and it was in use since 1943 and never failed.

Unfortunately Honorable judge John Gleeson of the United States District Court Eastern District of New York, siding with defendant and ignoring my explanation on August 8, 2001 made a poor judgment and dismissed the case (Appendix B).

Another poor judgment was made on April 25, 2002 in the United States Court of Appeals for the Second Circuit by affirming the dismissal of the case(Appendix A).

Having in consideration that the work of the federal courts touches upon many of the most significant issues affecting the **American people,** and federal judges exercise wide authority and discretion in the cases over which they preside. Since no one Constitution or Federal Rules are complete and perfect, the Founding Fathers of the Nation considered an independent federal judiciary essential to ensure fairness and equal justice for **all citizens of the United States** and created oral argument to solve the problem, which could

not be predicted in advance.

Now you have choice to defend one person, Director of NCI, or 280 million Americans, if you feel that Americans do not deserve to suffer, have miserable life and die, go ahead and grant the writ of certiorari to save their lives.

If you are here to seek justice for **all citizen of the United States** I am giving you the chance to show your intention. By doing this you will not violate any Rules since you are defending 280 million Americans' right against one person's, director of NCI who is keeping US Citizens hostage, depriving them from having treatment to prevent and cure their cancer.

Despite I am the litigant, I am doing this for you, for American people except me and my wife we have the treatment you don't. If I win you, American people are the winner, you will get the treatment. If I loose you, American people are the looser you will not get the treatment.

Finally I want to make it clear that activity of the NCI based on lying to the Federal Government, lying to the American people and lying to each other about "success" of

cancer researches, proof of that; after 200 years of research results are **ZERO**.

For the benefit of the world population and particularly for the American people United States Supreme Court should get involved actively to solve the problem as soon as possible without any delays. If the problem is not fixed now, soon Americans will face even more disastrous problem in the near future, practicing of genetic therapy, which does not exist but this is good case for charlatans to make a lot of money by killing people.

CONCLUSION

Finally I respectfully asking the Unitd States Supreme Court the petition for a writ of certiorari should be granted. We are at dead end, threament of cancer is sinking in the swamp and no way out, I am getting older and getting tired if I do not fix it now nobody will, fix it now or never.

Dated Oakland Gardens, New York
June 2, 2002

Respectfully submitted

George E. Ashkar

George E. Ashkar, PhD.

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

SUMMARY ORDER

THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse, Foley Square, in the City of New York, on the 25th day of April, two thousand and two.

PRESENT: HON. JAMES L.OAKES,

HON. DENNIS JACOBS,

HON. GUIDO CALABRESI,

Circuit Judges

APPENDIX A

STAMP: UNITED STATES COURT OF APPEALS

SECOND CIRCUIT FILED APR 25, 2002

Roseann B. MacKechnie, CLERK

----------X

GEORGE E. ASHKAR,

Plaintiff-Appellant,

-v.- 01-6210

DR. ANDREW VON ESCHENBACH,

Defendant-Appellee,

----------X

APPEARING FOR APPELLANT:

GEORGE E. ASHKAR, pro se,

Oakland Gardens, NY.

APPEARING FOR APPELLEE:

KATHLEEN A. NANDAN, Assistant

United States Attorney,

Brooklyn, NY (Alan Vinegrad,

United States Attorney for the

Eastern District of New York;

Deborah B. Zwany, Assistant

United States Attorney, on the brief).

Appeal from the United States District Court for the Eastern District of New York (Gleeson, J.).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the judgment of the district court be AFFIRMED.

George E. Ashkar, pro se, appeals the district court's dismissal of his complaint against former Director of the National Cancer Institute, Dr. Richard Klausner. We affirm for substantially the reasons stated in Judge Gleeson's Memorandum and Order. See Ashkar v. Klausner, 01-CV-0507(E.D.N.Y. Aug.1,2001).

FOR THE COURTS:

ROSEANN B. MACKECHNIE, CLERK

By:

s/Lucille Carr/

Lucille Carr, Deputy Clerk

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

NOT FOR PUBLICATION

MEMORANDUM AND ORDER

01-CV-0507(JG)

----------X

GEORGE E. ASHKAR, PhD,

Plaintiff,

-against-

RICHARD D. KLAUSNER, M.D.,

Defendant.

----------X

APPEARANCES

GEORGE E. ASHKAR

61-37 Bell Boulevard

Oakland Gardens, New York 11364-2239

Plaintiff Pro Se

ALAN VINEGRAD

United States Attorney

Eastern District of New York

One Pierrepont Plaza, 14th Floor

APPENDIX B

Brooklyn, New York 11201

By: Kathleen A. Nandan

Assistant United States Attorney

Attorney for Defendant

JOHN GLEESON, United States District Judge:

Plaintiff pro se, George E. Ashkar, a physicist, has brought suit against Richard Klausner, a physician and Director of the National Cancer Institute ("NCI") at the National institute of health ("NIH"). The case involves plaintiff's longstanding disagreement with the NCI's views regarding how to cure and prevent cancer. Reasoning that it is "becoming popular" to bring important disputes into federal court-"after [the] solving [of] the presidential election between Bush and Gore in the Supreme Court," Complain, at 2 - Ashkar wants me to solve the issue once and for all. Specifically, he alleges that defendant has harmed him and the public by refusing to fund and use the novel cure for cancer that plaintiff discovered in 1943. He requests that I:(1) stop all radiation and chemotherapy treatments; (2) direct NCI to use plaintiff's treatment method,

under his supervision, for at least five years; (3) punish NCI for using chemotherapy and for refusing to implement plaintiff's cure; and (4) award monetary compensation for plaintiff's time spent researching and developing his cure. Defendant has moved to dismiss the complaint for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1).

For the following reasons, the motion is granted.

FACTS

Plaintiff claims to have developed a cure for "non-viral bacterial disease," which he calls "Neutral-Infection Absorption ("NIA")." Complain, at 2. His cure, which he developed in 1943 when he was twelve years old, involves the creation of an incision in the patient's calf muscle. Then a beeswax ball is inserted into the wound for 24 hours in order to make room for the insertion of a chick pea wrapped in a combination of common absorbing paper and a wet cabbage leaf. As explained by plaintiff at oral argument, the chick pea absorbs any carcinogens in the patient, curing the disease.

To promote his theory and treatment, plaintiff wrote an

article, " Mechanism Development of cancer," which he sent to a variety of medical journals in the fall and winter of 1995, and again in December of 2000. None of those journals accepted his piece. See Plaintiff's Exhibit 2-7. Plaintiff also attempted to meet with Donna Shalala, (then-First Lady) Hillary Clinton, U.S. senators and representatives. and defendant (as the director of the NCI), but those efforts were similarly unsuccessful.

Plaintiff's letter to Dr. Klausner, dated December 7, 2000, told him about NIA, and asked that the NCI set up a seminar to evaluate plaintiff's cure. Plaintiff's Exhibit 7. In a letter dated December 22, 2000, the NCI sent plaintiff a copy of an NCI fact sheet providing information about the method the NCI used to evaluate proposed cancer treatments. In response, plaintiff filed this claim against Dr. Klausner for "conducting wrong researches and recommending wrong treatments to cure cancer and for not accepting [plaintiff's] NIA treatment method to cure cancer disease." Complaint at 2. He seeks the relief described above.

According to the Declaration of Patricia A. Kvochak, Esq., dated March 9, 2001 ("Kvochak Dec."), there is no documentation indicating that plaintiff has submitted a grant application to the NCI or has filed a claim pursuant to the Federal Tort Claims Act.

DISCUSSION

According to the standards set forth in Lujan v. Defenders of Wildlife, 504U.S. 555, 560 n. 1 (1992), plaintiff lacks the requisite injury necessary to bring suit. Indeed, he lacks even the beginning of a particularized injury, as he has never applied for a grant with the NCI or followed the instructions set forth on the NCI fact sheet that was sent to him in December 2000. See also Ujvarosy v. Sullivan, 1993 U.S. Dist. LEXIS 6330 (May 5, 1993 N.D.Ca.).

As plaintiff's statement at oral argument made clear, the injuries he claims as a result of the alleged wrongful conduct of the defendant are suffered by the recipients of the current cancer treatment. He does not have standing to raise claims on behalf of such persons.

CONCLUSION

For the foregoing reasons, the motion is granted. I need not address the other defects in the complain.

So Ordered

s./John Gleeson/

JOHN GLEESON, U.S.D.J.

Dated: August 1, 2001

Brooklyn, New York